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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 MARIA CAMPOS-ACOSTA,

8 Plaintiff,

9 v.

10 RED ROBIN INTERNATIONAL INC,

11 Defendant.

C18-1805 TSZ

MINUTE ORDER

12 The following Minute Order is made by direction of the Court, the Honorable
13 Thomas S. Zilly, United States District Judge:

14 (1) Plaintiff's motion for continuance, docket no. 23, is GRANTED as follows.
15 Plaintiff seeks a continuance of the trial and related deadlines in this matter for the
16 purpose of moving to reopen her bankruptcy case and amend her schedules to identify the
17 current tort action against defendant Red Robin International, Inc. ("Red Robin"). Red
18 Robin has opposed any continuance, asserting that plaintiff's proposed motion to reopen
19 her bankruptcy case is futile. Red Robin, however, would not have standing to object to
20 the reopening of plaintiff's bankruptcy case, *see In re D'Antignac*, 2013 WL 1084214 at
21 *1-*4 (Bankr. S.D. Ga. Feb. 19, 2013), and the Court declines to consider Red Robin's
22 arguments for why a motion to reopen plaintiff's bankruptcy case should or would be
23 denied. The decision whether to reopen is within the discretion of the Bankruptcy Court.
See 11 U.S.C. § 350(b); *see also HomEq Servicing Corp. v. Hauf*, 2007 WL 196857
(M.D. Ga. Jan. 23, 2007); *In re James*, 487 B.R. 587 (Bankr. N.D. Ga. 2013); *In re*
Dunning Bros. Co., 410 B.R. 877 (Bankr. E.D. Cal. 2009). The Court is persuaded that a
stay of this matter is warranted to permit the Bankruptcy Court to exercise its discretion.

(2) This case is hereby STAYED pending further order of the Court.
Defendant's motion for summary judgment, docket no. 21, is STRICKEN without
prejudice to refiling, if appropriate, after the stay is lifted. The parties are DIRECTED to
file a Joint Status Report within fourteen (14) days after the Bankruptcy Court rules on
any motion to reopen **or by December 31, 2019**, whichever occurs earlier.

(3) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

Dated this 23rd day of October, 2019.

William M. McCool
Clerk

s/Karen Dews
Deputy Clerk